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Washington, Friday, November 8, 1940

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1938-33]

PART 700—AGRICULTURAL CONSERVATION PROGRAM

NATIONAL PROGRAM (1938)

Supplement No. 30

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1938 Agricultural Conservation Program Bulletin, as amended, is hereby further amended as follows:

Section 700.17 (a) (2) [Section XIII, A, (2)] is amended to read as follows:

§ 700.17 *Soil-depleting crops.*

(a) *Specific crops.*

(2) Tobacco, except (i) excess acreage planted to fire-cured and dark air-cured tobacco which is destroyed by wildfire or flood, (ii) acreage planted to flue-cured tobacco which is disposed of by the producer prior to harvest, and (iii) each acre of Georgia-Florida Type 62 tobacco shall be classified as 8/10 of an acre soil-depleting if an average of at least four top leaves is left on each stalk on all of the acreage of Type 62 tobacco grown on the farm in 1938 and all such stalks are cut within seven days after harvesting of the other leaves is completed and either left on the land for the remainder of 1938 or plowed under and a cover crop of sorghums, cowpeas, velvet beans or crotalaria or any mixture of these is seeded in 1938 on all land planted to Type 62 tobacco and a reasonably good stand and good growth of such cover crop is obtained and is plowed under or disced in before December 31, 1938, after it has attained at least three months growth, provided such cover crop shall not be counted toward meeting the soil-building goal, regardless of how used.

Done at Washington, D. C., this 7th day of November 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 40-4784; Filed, November 7, 1940;
11:29 a. m.]

TITLE 8—ALIENS AND CITIZENSHIP

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[General Order No. C-2, 9th Supp.]

DISCONTINUANCE OF CLAYTON SEAPLANE BASE AS A DESIGNATED PORT OF ENTRY FOR ALIENS ARRIVING BY AIRCRAFT

OCTOBER 31, 1940.

Pursuant to the authority contained in section 7 (d) of the Air Commerce Act of 1926 (Act of May 20, 1926, 44 Stat. 572; 49 U.S.C. 177 (d)) and Section 1 of Reorganization Plan No. V (5 F.R. 2223), the designation of Clayton Seaplane Base, Clayton, New York, as a temporary port of entry for aliens arriving in the United States by aircraft is hereby rescinded.

Section 3.3 (b), Title 8, Code of Federal Regulations (Rule 3, Subdivision A, Paragraph 3 (b) of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936) is amended by striking Clayton, New York, Clayton Seaplane Base from the list of temporary ports of entry for aliens arriving by aircraft.

The fourth supplement to General Order No. C-2, dated November 30, 1939 (4 F.R. 4751), is hereby canceled.

ROBERT H. JACKSON,
Attorney General.

Approval recommended:

HENRY M. HART, Jr.,

Special Assistant to the Attorney
General In Charge pro tem Im-
migration and Naturalization
Service.

[F. R. Doc. 40-4775; Filed, November 6, 1940;
1:12 p. m.]

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TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER CORRECTING ERRONEOUS PRICE FOR MINE INDEX 82 IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11 FOR ALL SHIPMENTS EXCEPT TRUCK

It appearing to the Director that Mine Index 82, District No. 11, has been accorded a 10 cent deduction for freight rate differences for shipments to Market Area 33, which is set forth on page 23 of the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck; and

The Director after consideration of the matter having concluded that said deduction appears in the aforementioned Schedule through a purely typographical error, as shown by the Director's Findings of Fact with respect to Market Area 33 in General Docket No. 15;

Now, therefore, it is ordered, That this section (the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck, § 331.9 *General Prices*, the chart setting forth deductions for shipments to Market Area 33), be amended by deleting therefrom the de-

duction of 10 cents for Mine Index 82, effective November 7, 1940; and

It is further ordered, That applications to stay, terminate or modify this order may be filed within forty-five (45) days hereof, pursuant to the rules and regulations governing practice and procedure before the Division, and that this order shall become final sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated: November 6, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4778, Filed, November 6, 1940;
3:04 p.m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-122]

PETITION OF THE BRULE SMOKELESS FUEL COMPANY FOR CHANGE IN CLASSIFICATION OF ITS BRULE MINE, MINE INDEX NO. 32, DISTRICT 7, IN SIZE GROUPS 9 AND 10 FROM "B" TO "D"

MEMORANDUM OPINION AND ORDER CONCERNING PRAYER FOR TEMPORARY RELIEF

The original petition filed with the Bituminous Coal Division of the United States Department of the Interior in the above entitled matter prays that pending final disposition of the matter a preliminary or temporary order be issued revising the classification for coal of the Brule Mine, Mine Index No. 32, District 7, in Size Groups 9 and 10.

The Director, by order dated October 16, 1940, has scheduled a final hearing in this matter for November 6, 1940, at 10 a. m. in a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. An informal conference was held on October 21, 1940, upon notice to interested parties, pursuant to the Rules and Regulations Governing Practice and Procedure in 4 II (d) proceedings, for the purpose of affording the interested parties the opportunity of expressing their views concerning the temporary relief prayed.

Represented at the conference were the original petitioner, District Board No. 1, District Board No. 7, Oglebay, Norton and Company, Pocahontas Fuel Company, Pond Creek Pocahontas Coal Company, and Carter Coal Company.

The original petition requests that the classification of petitioner's coal in Size Groups 9 and 10 be reduced from "B" to "D". Approximately 50% of the petitioner's coal in these sizes is sold to three purchasers for by-product use. It was asserted at the informal conference that these users of petitioner's coal for by-product purposes refuse to pay more for it

than the Class "D" coals since petitioner's higher classification is based upon a higher fusion temperature which is of no advantage for customary by-product use. Petitioner stated that as a result of this, its mine had been closed two days during the period since October 1, 1940, and that another shut-down was feared.

Petitioner further represented that the purchasers of by-product coal for foundry coke are usually willing to pay more for coal with a high fusion point, but will not purchase petitioner's coal because of its high sulphur content.

The petition was opposed by District Board No. 7 and Pocahontas Fuel Company upon the grounds that other producers would be prejudiced in competition with petitioner's coal and that petitioner's coal is properly classified with relation to other coals produced in District No. 7 when account is taken of its low ash content and high fusion point.

In view of the controversial nature of the matter and the fact that there has been no clear showing of immediately impending substantial injury, the temporary relief requested should not be granted at this time. Particularly is this true in view of the undue harm the change in classification may have upon other Code members in District 7 and other districts. The bulk of petitioner's tonnage moves to Ohio, to the lakes, and to Chicago; a small amount moves into southeastern territory.

This matter is one which can be more fully and properly presented at the formal hearing to be held on November 6, 1940. In these circumstances the temporary relief must be denied.

Accordingly, it is so ordered.

Dated: November 6, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4777, Filed, November 6, 1940;
3:04 p. m.]

[Docket No. 1466-FD]

APPLICATION OF LIGHTBODY COAL COMPANY FOR EXEMPTION UNDER THE SECOND PARAGRAPH OF SECTION 4-A OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR HEARING

Application, pursuant to the provisions of the second paragraph of section 4-A of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by the above-named party:

It is ordered, That hearing on such matter be held on the 19th day of November 1940, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Room 321, Alliance Life Building, Peoria, Ill.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall

preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to administer oaths and affirmations, to examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of appropriate orders in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such Applicant and to any other person who may have an interest in such proceeding. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before November 16, 1940.

The matter concerned herewith is in regard to application by Lightbody Coal Company, a producer of bituminous coal in Peoria County, near Glasford, Illinois, in District No. 10, for exemption pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937 and to an order of the National Bituminous Coal Commission entered in Docket No. 50-FD, which order has been adopted and ratified as an order of the Bituminous Coal Division.

The mine of the Applicant is located on the easterly side of U. S. Route No. 24, about 1/2 mile southeast of Glasford, Peoria County, Illinois, and exemption is claimed for all coal produced by it at its mine in Peoria County and sold to and consumed by persons in Glasford, Pekin, Peoria, and Bloomington, Illinois, and to others in the surrounding area.

The Applicant claims that the sale and delivery of its coal to consumers in the immediate neighborhood of the mine and to unknown truck operators involve intrastate transactions, which do not in any manner directly affect interstate commerce in bituminous coal.

All persons are further notified that the hearing in the above-entitled matter and any orders therein may concern, in addition to the matters specifically presented by the application for exemption, other matters necessarily incidental and related thereto, including the question of whether the application was filed in good faith so as to entitle the Applicant, within three days of the date of the filing, to an exemption until the disposition of the application, as provided in the second paragraph of section 4-A of the Act.

Dated: November 6, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4776; Filed, November 6, 1940;
3:04 p. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 533]

CHANGE OF PROJECT DESIGNATIONS

OCTOBER 26, 1940.

I hereby amend:

(a) Administrative Order No. 4, dated July 28, 1936, that portion of Amended Administrative Order No. 323, dated March 22, 1939, which amends Administrative Order No. 4, and Administrative Order No. 464, dated May 28, 1940, by changing the project designation appearing as "Nebraska 5 Adams" in Administrative Order No. 4 and Amended Administrative Order No. 323, and as "Nebraska 7005A1 Southern Nebraska District Public" in Administrative Order No. 464, to read: "Nebraska 7076A1 Southern Nebraska District Public";

(b) Administrative Order No. 78, dated March 31, 1937, that portion of Amended Administrative Order No. 323, dated March 22, 1939, which amends Administrative Order No. 78, and Administrative Order No. 464, dated May 28, 1940, by changing the project designation appearing as "Nebraska 5 Adams" in Administrative Order No. 78 and Amended Administrative Order No. 323, and as "Nebraska 7005A2 Southern Nebraska District Public" in Administrative Order No. 464, to read: "Nebraska 7076A2 Southern Nebraska District Public";

(c) Administrative Order No. 160, dated November 11, 1937, and Administrative Order No. 464, dated May 28, 1940, by changing the project designation appearing as "Nebraska 8005W Adams" in Administrative Order No. 160 and as "Nebraska 8005W1 Southern Nebraska District Public" in Administrative Order No. 464, to read: "Nebraska 8076W1 Southern Nebraska District Public";

(d) Administrative Order No. 306, dated November 3, 1938, by changing the project designation appearing as "Nebraska R9060A1 Hamilton" to read: "Nebraska R9076B1 Southern Nebraska District Public";

(e) Administrative Order No. 312, dated December 12, 1938, and Administrative Order No. 447, dated April 22, 1940, by changing the project designation appearing as "Nebraska R9038A1 Hall" in Administrative Order No. 312 and as "Nebraska R9038A1 Hall District Public" in Administrative Order No. 447, to read: "Nebraska R9076C1 Southern Nebraska District Public";

(f) Administrative Order No. 314, dated December 29, 1938, by changing the project designation appearing as "Nebraska R9061A1 Merrick" to read: "Nebraska R9076D1 Southern Nebraska District Public";

(g) Administrative Order No. 322, dated February 20, 1939, by changing the project designation appearing as "Nebraska R9060W1 Hamilton" to read:

"Nebraska R9076W2 Southern Nebraska District Public";

(h) Administrative Order No. 329, dated March 22, 1939, by changing the project designation appearing as "Nebraska R9061W1 Merrick" to read: "Nebraska R9076W3 Southern Nebraska District Public";

(i) Administrative Order No. 358, dated June 19, 1939, and Administrative Order No. 447, dated April 22, 1940, by changing the project designation appearing as "Nebraska 0038W1 Hall" in Administrative Order No. 358 and as "Nebraska 0038W1 Hall District Public" in Administrative Order No. 447, to read: "Nebraska 0076W4 Southern Nebraska District Public";

(j) Administrative Order No. 449, dated April 22, 1940, by changing the project designation appearing as "Nebraska 0-R9038U1 Hall District Public" to read "Nebraska 0-R9076U1 Southern Nebraska District Public"; and

(k) Administrative Order No. 466, dated May 28, 1940, by changing the project designation appearing as "Nebraska 0005U1 Southern Nebraska District Public" to read: "Nebraska 0076U2 Southern Nebraska District Public".

[SEAL]

HARRY SLATTERY,
Administrator.

[F. R. Doc. 40-4782; Filed, November 7, 1940;
11:29 a. m.]

[Administrative Order No. 534]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 30, 1940.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | Amount |
|--|-----------|
| Alabama 1028B1 Chambers..... | \$240,000 |
| Arkansas 1024D1 Washington..... | 168,000 |
| Colorado 1018A1 Gunnison..... | 115,000 |
| Colorado 1018G1 Gunnison..... | 40,000 |
| Colorado 1020C1 Delta..... | 86,000 |
| Colorado 1025A2 Pueblo..... | 7,000 |
| Colorado 1036A1 Routt..... | 152,000 |
| Indiana 1006C1 Boone..... | 25,000 |
| Indiana 1047B1 Orange..... | 53,000 |
| Indiana 1072B1 Clark..... | 54,000 |
| Iowa 1075A1 Montgomery..... | 135,000 |
| Kentucky 1040C1 Jessamine..... | 32,000 |
| Kentucky 1050B1 Graves..... | 95,000 |
| Kentucky 1056A1 Morgan..... | 137,000 |
| Louisiana 1010C1 Washington..... | 87,000 |
| Minnesota 1074B1 Norman..... | 97,000 |
| Minnesota 1082A2 Becker..... | 155,000 |
| Missouri 1012C1 Pemiscot..... | 100,000 |
| Missouri 1030E1 Lawrence..... | 232,000 |
| Missouri 1048B1 Newton..... | 151,000 |
| Missouri 1054A1 Crawford..... | 295,000 |
| Oklahoma 1023B1 Okmulgee..... | 144,000 |
| Oklahoma 1024B1 Lincoln..... | 132,000 |
| Pennsylvania 1013D1 Tioga..... | 117,000 |
| Texas 1054D1 Wood..... | 54,000 |
| Vermont 1008B2 Washington..... | 28,000 |
| Virginia 1030D1 Bath..... | 275,000 |
| Washington 1033A1 Mason District Public..... | 51,000 |

| Project designation—Continued. | Amount |
|--------------------------------|-----------|
| Wisconsin 1043E2 Grant..... | \$50,000 |
| Wisconsin 1045G8 Chippewa..... | 350,000 |
| Wisconsin 1056G5 Crawford..... | 1,100,000 |

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 40-4783; Filed, November 7, 1940;
11:29 a. m.]

DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

[Docket No. 407]

IN THE MATTER OF THE PETITION OF NORTHWEST AIRLINES, INC.

NOTICE OF HEARING¹

The above-entitled proceeding, being the petition of Northwest Airlines, Inc., for an order fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, over Route No. 45, is hereby assigned for public hearing on November 12, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Willard Hotel, 14th Street and Pennsylvania Avenue, Washington, D. C., before Examiner Thomas L. Wrenn.

Dated Washington, D. C., November 5, 1940.

[SEAL] THOMAS L. WRENN,
Examiner.

[F. R. Doc. 40-4780; Filed, November 7, 1940;
10:07 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 69]

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE NO. 16 FOR THE PORTABLE LAMP AND SHADE INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, Department of Labor, do hereby accept the resignation of Mr. John F. Schilt from Industry Committee No. 16 for the Portable Lamp and Shade Industry and do appoint in his stead as representative for the employees on such Committee, Mr. A. J. Pusateri, of Chicago, Illinois.

Signed at Washington, D. C., this 5th day of November 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-4779; Filed, November 6, 1940;
11:44 a. m.]

¹ Issued by the Civil Aeronautics Board.

[Administrative Order No. 70]

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE NO. 16 FOR THE PORTABLE LAMP AND SHADE INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, Department of Labor, do hereby accept the resignation of Mr. Robert T. Moody from Industry Committee No. 16 for the Portable Lamp and Shade Industry and do appoint in his stead as representative for the employees on such Committee, Mr. Paul Boylan, of Philadelphia, Pennsylvania.

Signed at Washington, D. C., this 7th day of November 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-4789; Filed, November 7, 1940;
12 m.]

NOTICE OF ISSUANCE OF SPECIAL CERTI- FICATES FOR THE EMPLOYMENT OF LEARN- ERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Determination and Order, November 8, 1939 (4 F.R. 4531), as amended, April 27, 1940 (5 F.R. 1586).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite

the employer's name. These Certificates become effective November 8, 1940. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY,
PRODUCT, NUMBER OF LEARNERS, AND
EXPIRATION DATE

Aintree Corporation, 503 North First Street, Fairfield, Illinois; Apparel; Men's and Boys' Woven Underwear and Sleeping Wear; 5 percent (75% of the applicable hourly minimum wage); November 8, 1941.

Baker Manufacturing Company, Inc., 1007 4th Street, Sioux City, Iowa; Apparel; Overalls and Jackets, Cotton Pants, Wool Jackets, Coveralls; 25 learners (75% of the applicable hourly minimum wage); February 28, 1941.

Baldwin Shirt Company, 2400 Broadway, Parsons, Kansas; Apparel; Shirts, Nightshirts, Pajamas, Girls' Gym Clothes; 5 learners (75% of the applicable hourly minimum wage); November 8, 1941.

Blue Buckle Overall Company, Inc., Kemper & 14th Street, Lynchburg, Virginia; Apparel; Overalls and Overall Jackets; 5 percent (75% of the applicable hourly minimum wage); November 8, 1941.

Clyde Shirt Company, Inc., Northampton, Pennsylvania; Apparel; Men's Dress Shirts and Cotton Dresses; 5 percent (75% of the applicable hourly minimum wage); November 8, 1941.

The Gluckin Corporation, 53-55 Orange Avenue, Buffern, New York; Apparel; Brassieres; 5 percent (75% of the applicable hourly minimum wage); November 8, 1941.

Great Western Garment Company, 501 Travis Street, Wichita Falls, Texas; Apparel; Cotton Single Pants, Overalls, Work Shirts; 5 percent (75% of the applicable hourly minimum wage); November 8, 1941.

Highland Art Embroidery Company, 5315 Butler Street, Pittsburgh, Pennsylvania; Apparel; Aprons; 2 learners (75% of the applicable hourly minimum wage); November 8, 1941.

Charles L. Levy Company, 1000 Sylvan Street, Selma, Alabama; Apparel; Pants; 5 learners (75% of the applicable hourly minimum wage); November 8, 1941.

Peasinger Brothers, 1801 Harnay Street, Omaha, Nebraska; Apparel; Men's and Boys' Clothing; one learner (75% of the applicable hourly minimum wage); November 8, 1941.

Penn State Coat & Apron Mfg. Company, 171 West Oxford Street, Philadelphia, Pennsylvania; Apparel; Duck Coats & Aprons; 2 learners (75% of the applicable hourly minimum wage); November 8, 1941.

Simon and Mogilner, Fourth and Rosabel Streets, St. Paul, Minnesota; Apparel;

Children's Clothing (Outerwear); 15 learners (75% of the applicable hourly minimum wage); March 7, 1941.

Fuld & Hatch Knitting Company, Mill No. 2, Remsen Street, Cohoes, New York; Knitted Wear; Knitted Underwear; 10 learners; March 7, 1941.

Penn Children's Dress Company, Mayfield, Pennsylvania; Apparel; Children's Dresses; 8 learners (75% of the applicable hourly minimum wage); March 8, 1941.

Portland Sportwear Manufacturing Company, 3432 S. E. Belmont Street, Portland, Oregon; Apparel; Cotton and Wool Pants, Jackets, Dress Shirts; 5 learners (75% of the applicable hourly minimum wage); November 8, 1941.

I. Taitel & Son, 525 North Center Street, Bremen, Indiana; Apparel; Pants; 5 learners (75% of the applicable hourly minimum wage); November 8, 1941.

The Thompson Shirt Company, Brownstown, Pennsylvania; Apparel; Dress Shirts; 5 percent (75% of the applicable hourly minimum wage); November 8, 1941.

Ames Hosiery Mills, High Point, North Carolina; Hosiery; Seamless; 5 percent; November 8, 1941.

Davenport Hosiery Mills, Inc., 400 E. 11th Street, Chattanooga, Tennessee; Hosiery; Full-Fashioned; 5 percent; November 8, 1941.

Durable Made Hosiery Company, Academy Road, Williamstown, New Jersey; Hosiery; Full-Fashioned; 3 learners; November 8, 1941.

Franklin Hosiery Mills, Park Avenue & Rose Street, Williamsport, Pennsylvania; Hosiery; Full-Fashioned; 5 percent; November 8, 1941.

H. R. H. Silk Hosiery Mills, Inc., Mobberly, Missouri; Hosiery; Seamless; 5 learners; November 8, 1941.

International Hosiery Mills, Inc., Philadelphia, Pennsylvania; Hosiery; Full-Fashioned; 2 learners; November 8, 1941.

William G. Leininger Knitting Company, Inc., Comet Plant, Mohnton, Pennsylvania; Hosiery; Seamless; 5 learners; November 8, 1941.

The Locke Hosiery Mills, 4937 Mulberry Street, Philadelphia, Pennsylvania; Hosiery; Seamless; 5 learners; November 8, 1941.

McCrary Hosiery Mills, Inc., Asheboro, North Carolina; Hosiery; Full-Fashioned; 5 percent; November 8, 1941.

McGaugh Hosiery Mills, 4406 2nd Avenue, Dallas, Texas; Hosiery; Full-Fashioned; 5 learners; November 8, 1941.

Smyrna Hosiery Mills, Union Street, Smyrna, Delaware; Hosiery; Full-Fashioned; 5 learners; November 8, 1941.

Tackawanna Silk Hosiery Company, Tackawanna & Womrath Streets, Philadelphia, Pennsylvania; Hosiery; Full-Fashioned; 5 learners; November 8, 1941.

Vanette Hosiery Mills, 6001 Maple Avenue, Dallas, Texas; Hosiery; Full-Fashioned; 5 percent; November 8, 1941.

Van Raalte Company, Inc., Willingham Circle, Blue Ridge, Georgia; Hosiery; Full-Fashioned; 60 learners; July 8, 1941.

Van Raalte Company, Inc., Willingham Circle, Blue Ridge, Georgia; Hosiery; Full-Fashioned; 5 percent; November 8, 1941.

Vestal Mills, Inc., Athens, Tennessee; Hosiery; Seamless; 10 learners; July 8, 1941.

Vestal Mills, Inc., Athens, Tennessee; Hosiery; Seamless; 5 learners; November 8, 1941.

Wayne Knitting Mills, 641 Knitters Avenue, Fort Wayne, Indiana; Hosiery; Full-Fashioned; 5 percent; November 8, 1941.

Wytheville Knitting Mills, Inc., Wytheville, Virginia; Hosiery; Full-Fashioned; 5 percent; November 8, 1941.

Roselin Manufacturing Company, Inc., 195 Milk Street, Willimantic, Connecticut; Textile; Braid & Ribbon; 3 percent; November 8, 1941.

Hayward Hosiery Company, Peabody Street, Ipswich, Massachusetts; Textile; Silk; 3 learners; November 8, 1941.

The American Mills Company, 158 Orange Avenue, New Haven, Connecticut; Textile; Cotton and Rayon; 3 percent; November 8, 1941.

Elizabeth City Cotton Mills, Skinner Avenue, Elizabeth City, North Carolina; Textile; Cotton Yarns; 3 percent; November 8, 1941.

United Electric Corporation, 1 Cottage Street, Easthampton, Massachusetts; Textile; 6 learners; November 8, 1941. Elastic, Non-elastic Webs.

Florida Telephone Corporation, Ocala, Florida; Independent Branch of the Telephone Industry; to employ learners (as indicated in the Telephone Order) as commercial and switchboard operators until November 8, 1941.

Florida Telephone Corporation, Leesburg, Florida; Independent Branch of the Telephone Industry; to employ learners (as indicated in the Telephone Order) as commercial and switchboard operators until November 8, 1941.

Utica Knitting Company, Mill No. 3, Oriskany Falls, New York; Knitted Wear; Knit Underwear and Commercial Knitting; 5 percent; November 8, 1941.

Utica Knitting Company, Mill Number 2, 607 Schuyler Street, Utica, New York; Knitted Wear; Knitted Underwear and Commercial Knitting and Knitted Outerwear; 5 percent; November 8, 1941.

Utica Knitting Company, Mill Number 6, 700 Whitesboro Street, Utica, New York; Knitted Wear; Knit Underwear and Commercial Knitting; 5 percent; November 8, 1941.

Utica Knitting Company, Mill Number 1, 1712 Erie Street, Utica, New York; Knitted Wear; Knitted Underwear and Commercial Knitting; 5 percent; November 8, 1941.

Utica Knitting Company, Mill Number 9, Anniston, Alabama; Knitted Wear;

Knitted Underwear and Commercial Knitting; 5 percent; November 8, 1941.

Signed at Washington, D. C., this 7th day of November 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-4788; Filed, November 7, 1940; 12 m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5922]

APPLICATION OF THE LIBERTY LIFE INSURANCE CO. (TRANSFEROR) AND JOHN M. RIVERS (TRANSFeree)

NOTICE OF HEARING

Application dated, February 29, 1940; for transfer of control of South Carolina Broadcasting Co., Inc., licensee of Station WCSC; class of service, broadcast; class of station, broadcast; location, Charleston, S. C.; present operating assignment: Frequency, 1360 kc.; power, 500 w. night, 1 kw. day; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether John M. Rivers, the proposed transferee, is financially qualified to make payment of the promissory note for \$115,900 proposed to be made by him payable to Liberty Life Insurance Company as consideration for the sale of the stock of South Carolina Broadcasting Company, Inc., licensee of Station WCSC.

2. To determine whether said promissory note is to be paid out of resources of the licensee, and if so, whether the proposed transfer would adversely affect the financial stability of licensee.

3. To determine whether under the terms of said promissory note, which provides for installment payments over a period of ten years, John M. Rivers, the maker of said note and proposed transferee herein, would have full control over the management and operations of Station WCSC.

4. To determine whether under the terms of the proposed transfer, the licensee would be financially qualified to operate Station WCSC in the public interest.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other

than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicants' addresses are as follows:

The Liberty Life Insurance Company
(Transferor), Box 540,
Greenville, South Carolina.
John M. Rivers (Transferee),
% Radio Station WCSC,
Francis Marion Hotel,
Charleston, South Carolina.

Dated at Washington, D. C., November 5, 1940.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-4785; Filed, November 7, 1940;
11:40 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4367]

IN THE MATTER OF REPUBLIC YEAST CORPORATION COMPLAINT

The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of subsection (a) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act approved June 19, 1936 (U.S.C. Title 15, Section 13), hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Republic Yeast Corporation is a corporation organized and existing under and by virtue of the laws of the State of New Jersey, having its principal office and plant located at 740 Frelinghuysen Avenue, Newark, New Jersey. Prior to December 1, 1939, respondent's corporate name was Brass Yeast Corporation.

PAR. 2. Respondent since June 19, 1936, has been and is now engaged in the manufacture, sale and distribution of baker's yeast. In the course and conduct of such sale and distribution it causes said yeast to be shipped and transported in commerce from its plant in the State of New Jersey to purchasers thereof in and among the various states of the United States and there has been at all times herein mentioned a current of trade and commerce in respondent's yeast between the state wherein respondent's plant is located and various other states of the United States.

PAR. 3. Said respondent in the course and conduct of its business since June 19, 1936, has been and is now in substantial competition with other corporations, partnerships, firms and individuals engaged in manufacturing, selling and distributing baker's yeast in commerce.

PAR. 4. In the course and conduct of its business as aforesaid, the respondent has been and now is discriminating in price between different purchasers of its said product of like grade and quality, by giving and allowing certain purchasers of baker's yeast used in the manufacture of bread and allied products, different prices than given or allowed other of its said purchasers competitively engaged with such favored purchasers, in the sale and distribution of bread and allied products within the various states of the United States. Among the methods used by respondent in accomplishing such discrimination has been a pricing policy under which its product has been sold to customers competitively engaged, in approximately equivalent quantities and at concurrent periods of time at prices of 10¢, 11¢, 12¢, 13¢ and 14¢ per pound.

PAR. 5. Further discrimination in price between different competing purchasers of its product is brought about as a result of respondent making free delivery of large quantities of baker's yeast to certain of its purchasers. Such receipt of free yeast reduces the cost to such favored purchasers of the yeast purchased by them, while at the same time other purchasers competitively engaged with said favored purchasers and paying the same price per pound for said product are not furnished such additional free yeast. In accomplishing this discrimination respondent has made free deliveries of yeast ranging in amount per customer from 20 pounds to 1,121 pounds per month. In the case of some of these free deliveries, the cost of yeast has been reduced to favored purchasers in this manner: One customer purchasing 247 pounds of yeast at 12¢ per pound received 316 additional pounds of yeast free of charge, reducing the cost per pound of yeast actually purchased to 5.2¢; another customer purchasing 1,554 pounds of yeast at 10¢ per pound received 1,121 additional pounds of yeast free of charge, reducing the cost per pound of yeast actually purchased to 5.8¢; another customer purchasing 78 pounds of yeast at 12¢ per pound received 193 additional pounds of yeast free of charge, reducing the cost per pound of yeast actually purchased to 3.4¢; and another customer purchasing 158½ pounds of yeast at 11¢ per pound, received 248 additional pounds of yeast free of charge, reducing the cost per pound of yeast actually purchased to 4.2¢. At the time of these free deliveries of yeast, respondent sold yeast to other of its customers competitively engaged with those receiving free deliveries of yeast at prices of 10¢, 11¢ and 12¢ per pound, and did not accompany such sales with deliveries of free yeast.

PAR. 6. Respondent further discriminates in price between competing purchasers by granting cash discounts of 1% and 2% to certain of its purchasers which are not granted to other purchasers who pay in the same manner

and within the same time as those receiving such discounts.

PAR. 7. The effect of such discriminations in price as set forth in Paragraphs 4, 5, and 6 hereof may be substantially to injure competition in the line of commerce in which respondent and its competitors are engaged, and also to injure competition with those of respondent's purchasers in the baking industry who receive the benefits of such discriminations.

PAR. 8. The foregoing alleged acts and practices are in violation of subsection (a) of Section 2 of the Clayton Act as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 30th day of October, A. D. 1940, issues its complaint against said respondent.

NOTICE

Notice is hereby given you, Republic Yeast Corporation, respondent herein, that the 6th day of December, A. D. 1940, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure to the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the ma-

terial allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 30th day of October, A. D. 1940.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-4781; Filed, November 7, 1940;
10:34 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 2-4381]

IN THE MATTER OF NATIONAL ELECTRIC SIGNAL COMPANY

STOP ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of November, A. D. 1940.

This matter coming on to be heard before the Commission on the registration statement of National Electric Signal Company, a Delaware corporation, after confirmed telegraphic notice to said

registrant that it appeared that said registration statement included untrue statements of material fact and omitted to state material facts required to be stated and omitted to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant; and

The Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Findings and Opinion of the Commission this day issued; and

The Commission now being fully advised in the premises;

It is ordered, Pursuant to section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statement filed by National Electric Signal Company, a Delaware corporation, be and the same hereby is suspended.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4786; Filed, November 7, 1940;
11:44 a. m.]

[File No. 70-193]

IN THE MATTER OF CENTRAL STATES POWER & LIGHT CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of November, A. D. 1940.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than November 22, 1940, at 4:30 P. M., E. S. T., request the Commission in writing that a

hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The declarant, a registered holding company of the Ogden Corporation holding company system, proposes to make certain contributions to the capital surplus of its subsidiaries. Such contributions are to be made by cancelling, in part, the open account indebtedness owed by the respective subsidiaries to Central States Power & Light Corporation in the following amounts:

| | |
|---|--------------|
| Central States Power & Light Corporation of Oklahoma..... | \$463,241.89 |
| Central Light & Power Company..... | 164,476.80 |
| Missouri Electric Power Company..... | 587,827.95 |
| Utilities Production Corporation..... | 476,936.06 |

The declarant proposes to increase the book value of its investment in the common stock of its respective subsidiaries by the amount of the contributions as set forth above. The declarant states that consummation of this transaction is for the purpose of complying with the Indenture of Trust securing its First Mortgage and First Lien bonds, a provision of which Indenture requires that current liabilities (as defined in the Indenture) of any subsidiary which are not pledged with the corporate trustee shall not exceed current assets (as defined in the Indenture).

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4787; Filed, November 7, 1940;
11:44 a. m.]

